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**COCHISE COUNTY SUPERIOR COURT
STATE OF ARIZONA**

STATE OF ARIZONA,) Case No. CR201900212
)
Plaintiff,) MOTION TO AMEND THE
) DEFENDANT'S CONDITIONS
vs.) OF RELEASE (NO CONTACT
) ORDER)
PAUL R. BAYS,) (Hon. Judge James E. Marner)
)
Defendant.)
)

The Defendant, Paul R. Bays, through counsel, moves the Court pursuant to Rule 7.4(b) of the Ariz. R. Crim. P., to amend the "no contact" order of his conditions of release so that his domestic relations attorney or staff may contact the alleged victim's domestic relations attorney or staff regarding coordinating their young children's school activities, medical and dental appointments, counseling appointments, sports activities, and any other matters that concern the children for the following reasons:

At Mr. Bays' initial appearance on March 9, 2019, Justice of the Peace Pro Tem, Gerald Till, checked the box under "other conditions of release" that stated, "No contact of any nature with the alleged victim(s): Gina Bays" [hereinafter G.B.].

Mr. Bays and G.B. were married for 10 years but divorced in October of 2016. They have two children ages 10 and 5 years old. The situation is further complicated because the older child is living with Mr. Bays while the younger child is residing with G.B..

The current "no contact" order makes it extremely difficult for Mr. Bays and G.B. to coordinate their children's activities, noted above, without causing Mr. Bays to be in violation of his conditions of release. The result is that the children's activities/professional appointments are being postponed, restricted, or cancelled due to the "no contact" order that is currently in place.

Rule 7.4(b)(1) of the Ariz. R. Crim. P. states that "a court may reexamine the conditions of release if the case is transferred to a different court or a motion alleges the existence of material facts not previously presented to the court."

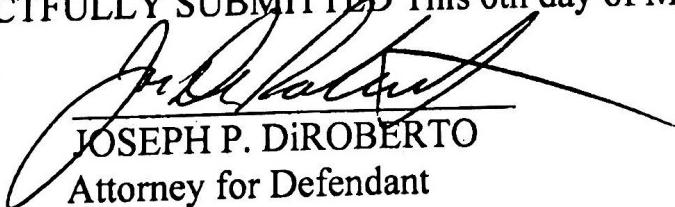
Mr. Bays, age 60, is released on his own recognizance in this case. He has no prior criminal record and has been a practicing lawyer in Arizona, primarily in Cochise County, for over 25 years. He is very concerned for the welfare of his children and wishes to insure their school activities, appointments, and sports

proceed without interruption or delay.

The special prosecutor assigned to this case, Elizabeth Ortiz, has been advised of the Defendant's request to amend the "no contact" order so that the parties can communicate through their respective domestic relations attorneys to coordinate their children's activities. Ms. Ortiz, after consultation with G.B., has no objection to amending the Defendant's conditions of release as indicated above.

WHEREFORE, based on the foregoing, the Court should consider amending the Defendant's conditions of release to allow him to communicate through his domestic relations attorney with G.B.'s domestic relations attorney to coordinate their children's school activities, appointments, and sports while this case is pending.

RESPECTFULLY SUBMITTED This 6th day of May 2019.



JOSEPH P. DiROBERTO
Attorney for Defendant

Copy of the foregoing emailed to:

Elizabeth Ortiz, Executive Director APAAC
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